2: Hockings E-4,5 (1962-1977) 1980
AM50 Badaga AM50

681 The preceding was never a fixed scale of punishments but rather a guide to how an offender would be treated in those times, 'all else being equal'. In each case the punishment could be mitigated according to the circumstances of the crime and the identity of the criminal. A poor man would be fined less than one of the gentry; and any man might plead poverty or haggle with the council to have his fine reduced. This is equally true today.

LOCAL ADMINISTRATION

178 Since the start of the last century Badagas were ruled indirectly by
657 the British but contact with them had very little effect in the early years. The Badagas avoided the British legal system and its officers, and their own customary system continued to operate effectively until the end of the century when they subtly adapted their legal thinking to avail themselves of the Imperial system as well.

622 Village government under the British régime perpetuated the existing hereditary headmen, some of whom received the title of
632 *manegar*. The hierarchy of headmen did not enter into the British
657 scheme for local government however; *manegars* were typically *u:r*
631 *gaudas*, headmen at the commune level. In the earliest days the British deemed it enough for a *manegar* to be a member of the gentry respected by the Badagas; but by the end of the nineteenth century the role of headman had been split: a *manegar* was appointed in the main communes by the District Collector,[11] while the Badagas still selected their own headmen at both the village and the commune levels.[12] The appointed *manegar* was preferably a literate man, and no longer merely someone with prestige
624 (Grigg, 1880, 366). In addition the British appointed an accountant, the *karnam*, to keep village records. Both of these roles,[13] held by Badagas responsible to an outside authority, were new to Nilgiri society and were not honoured in the spirit expected by the British
622 administration. Grigg, the Collector in 1880, noted with perhaps some exaggeration that

> The vaguest notion of their duties as village magistrate or police officer prevails among the headmen. So far from their understanding that it is their duty to repress such crime, they seem to regard it almost as a sacred duty not only to countenance and

2: Hockings E-4,5 (1962-1977) 1980
AW50 Badaga AW50

themselves are the women's work-groups, small cliques of village wives who work together in the fields and elsewhere, exchanging gossip and favours in the process. These female networks link up with the male ones through the wives of influential men (cf. Plate 10).

The sequence of contacts that have to be made if someone in the village is to influence or be influenced by people in the above list constitutes an intra-village network.

Inter-Village Networks

Two kinds of network fall under this heading, one linking agnates, the second affines. The first are ritual and juridical networks, linking up with distantly related men in other villages of the commune. This commune was first settled, it is claimed, by a man who founded the maximal lineage to which nearly all of the inhabitants belong. Hulla:ḍa people mostly belong to one of the three major lineages, this one established by Koṅga Hetappa, one of the commune founder's three sons. Within Hulla:ḍa and a nearby village (Ke:ti) the lineage is further divided into four minimal lineages, each descended from one of Koṅga Etappa's four sons. The more important festivals are celebrated in common by all sixteen villages in the commune, using ritual personnel from any of these villages. Serious problems are discussed by all the village headmen at the commune council. Hulla:ḍa villagers can establish contact with the wealthiest and most influential men in the commune by activating these two networks, either through a village headman or through a friend who has helped in the rituals.

Secondly, the marriage and visiting networks link Hulla:ḍa with villages beyond this commune. Marriages account for a network of social contacts with nearly two dozen other villages, and these are frequently activated by informal visits and by attendance at the festivals, weddings and funerals of affines. Small loans may be sought along these networks (Hockings, in press).

Inter-Tribal Networks

The Badagas of Hulla:ḍa were linked for certain economic and ritual purposes with particular Kotas, Todas, Kurumbas and Chettis. For the most part these associations have fallen into

2: Hockings E-4,5 (1962-1977) 1980
AW50 Badaga AW50

Plate Section

361 Plate 1 A typical Badaga hamlet (Dimbaṭṭi), above the valley floor but sheltered by a hill from the south-west monsoons. Note the strips of land running downhill. The well in the foreground is new.

342 Plate 2 Typical work-space (ke:ri) in front of houses in Ka:ṭe:ri. The two-story house is a twentieth-century innovation. The poles carry electricity to most houses.

291 Plate 3 A Toda couple, both wearing embroidered shawls (pu:txuḽy).

301 643 Plate 4 Pāda Rāja Gowder, paramount chief of the Badagas since 1956, and headman of Tu:ne:ri. His gold earrings are of a traditional design.

302 877 Plate 5 Two schoolgirls carrying their lunch, O:ranaṛi hamlet. Both have an auspicious mark on the brow.

302 759 Plate 6 Sithamma, grandmother of the girls in Plate 5; she lived in O:ranayi, was a traditional Lingayat, and a noted herbal therapist. Her gold ornaments are traditional.

000 Plate 7 Kumba:ras in Kempola hamlet, here enshrouded in mist.

177 764 Plate 8 Kotas from Kolmel playing for Lingayats dancing during a funeral at the neighbouring hamlet of O:ranayi, 1963. Women do not dance in public.

243 231 Plate 9 Cattle threshing grain on a work-space in O:ranayi. The hired labourers are non-Badagas.

496 291 Plate 10 Women's work-group outside a house in Ki:ṛkunda village. All wear sarees in place of the traditional dress.

778 782 Plate 11 The Goddess Hette with bell, a wreathed *linga*, and a tray with plantain and half-coconut offerings, decorating a Lingayat temple in Ka:ṭe:ri.

623 632 Plate 12 Council of elders at Ke:ti village. The commune headman is on the extreme left, in white.

In the course of the year almost every village celebrates a dozen or so festivals, the most important of which are concerned with the agricultural cycle: *dodda habba*, the Great Festival, which marks the beginning of the agricultural year in November, and *de:va habba*, the God Festival, which celebrates the harvest in July. Another festival, called *Ma:ri habba*, intended to keep smallpox away, is celebrated in a few villages by fire-walking, when selected men walk unscathed across glowing embers. There are many other lesser ceremonies marking certain transitions in the lives of members of the community. For Badagas the major events of life are the naming of a child, its first haircut, the first milking of a cow, marriage, and death. On rare occasions some villages held a huge memorial ceremony in honour of a whole generation of the dead when its last member had passed away, but the ceremony was last performed in 1936. Yet many customs and celebrations of the Badagas are still observed today, in spite of dramatic changes which have affected other parts of their lives.

They are, for example, still led by a paramount chief whose position is hereditary and who always belongs to the village of Tu:ne:ri. (The latest chief was installed in 1977.) The political power devolves from this paramount chief to the headman of each village. In between them there are many local and regional headmen: several neighbouring villages make up a commune and, taking the name of the leading village, come under the authority of that village's headman. Above these there are also four regional chiefs who each control the villages and communes within their quarter of the Nilgiris.

Each headman has his own traditional council. A commune headman has the local village headmen in his council; a regional headman has the commune chiefs in his; and the paramount chief's council (which rarely meets) is composed of all the Badaga headmen. The judicial authority of all of these councils has been much diminished by the gradual imposition of Indian law and lawcourts. The traditional legal procedure for any dispute begins at the village level and then ascends through the various councils until finally an appeal may be considered by the paramount chief. In the past, headmen could impose severe punishments which ranged from ostracism to hanging, but today all criminal offences come under the authority of lawcourts, and village headmen and councils are left to deal only with minor disputes and ceremonial duties.

The Badagas are divided socially into a number of hierarchical

631 colonization of this rather inaccessible area. The recency of its settlement,
(166) when compared with other parts of the Nilgiris, is suggested by the fact that the name of the division lying directly to the east of it is Merkunad -- which means "Western District". It is also common when people are talking about the plateau divisions to use the set phrase, "all the four districts, including Kunća", as though it were somehow exceptional to consider Kunda a district at all.

The fifth division, Malnad, though inhabited by a very few Badagas (or Wynaad Gaudas), Kotas, and -- until 40 years ago -- Todas, is generally thought of by these three tribes as an alien land; and it was certainly not integrated into the indigenous political system in the way that the other four divisions were.

(657) This subdivision of the Nilgiris was taken over by the British for administrative purposes, and continued in use until the early years of the present century, when it was superceded by a redivision of the District into three taluks. The rural inhabitants have however continued to think primarily in terms of their indigenous divisions in matters which involve the Nilgiri-wide social system and its juridical processes.

• 632 Each of these areas is divided into a number of "villages", usually bet-
(631) ween ten and twenty of them. Each "village" in turn consists of a varying number
(621) of neighboring hamlets belonging normally to any one of the six phratries. One hamlet, not necessarily the largest nor even of the highest-ranked phratry, takes permanent precedence and gives its name to the entire "village".

(162) Thus Ketti, for example, is an average-sized "village" in Merkunad with a Badaga population of about 5000. It consists of 17 hamlets, the chief one
621 being Ketti, largely a Gauda hamlet. On one side of this hamlet there are eleven
615 Toreya houses, and on the other side, separated from the Badagas slightly, are

621 615 the houses of numerous recent settlers from the plains, most of them agricultural laborers. Nine other hamlets in Ketti "village" are exclusively Gauda; two are Wodeya; one is Haruva; three contain both Adikaris and Gaudas; and one, built in the last century, contains Protestant and Catholic Christians, not only Badagas but also Tamilian, Mysorean and Malayali Christians and even a few Toda ones.

648 000 Toda settlements are not included in such a village network. Many reasons for this can be advanced: this is a system controlled mainly by Badagas, whereas few Todas live close to any Badaga settlements. Apart from that, the Todas have their own juridical system; they migrate back and forth across the plateau with their buffaloes; and in general Toda social organization is so different from that of Kotas and Badagas that it would have very little "fit" with a politico-juridical system that links Kota and Badaga farming communities. (I am told by Dr. Emeneau, however, that the Todas refer to juridical links between specific Toda clans and specific Badaga villages, when they tell of how they may call upon a Badaga headman to help adjudicate a Toda quarrel.) By contrast with the Toda settlements, 632 648 Kota ones are constituent hamlets of otherwise Badaga "villages" in most places; but in one case a Kota hamlet (Kol-mel) is the chief one, while the other five hamlets making up its "village" belong to various high-ranking Badaga sibs. This particular situation, explained by the Badagas as a "historical accident", is remarkable because it gives the Kotas a political advantage over several Badaga hamlets although all Badagas in that "village" still consider the Kotas there as socially lower.

621 (622) At each level in this political organization there is a headman. Nearly every hamlet has one, although small hamlets sometimes remain without an incumbent for many years. Their councils meet, nevertheless, when a problem

621 arises. The headman of each chief hamlet is called "village headman", and is
632 responsible for all hamlets in his "village". In each of the four divisions the head-
631 man of one particular "village" is also divisional headman. In Todanad, further-
more, the headman of Tuneri hamlet and "village" — a Badaga — is not only divisional headman of Todanad as well, but in addition is "President" of the Nilgiris (i.e. Chief of all Badagas). Similarly, the headman of Balaknla hamlet is not only headman of Merkunad division, but is also Vice-President of the Nilgiris. (The terms "president" and "vice-president" have been used here as loose translations of the complicated Badagu terms, and do not reflect any British influence on the local political organization.) For any judgment at the supreme level, both the President and the Vice-President have to take part in the council.

Except under unusual circumstances, including incompetence, these
(428) offices are hereditary at all levels, and are passed from father to eldest son. The
(627) village and divisional boundaries are all inflexible; although before the British land
(648) settlement (the authentication of land holdings, made during the 1880's), neighboring divisions occasionally staked the solution of a boundary dispute on the results of a tug-of-war between mixed teams of Badagas, Todas and Kotas from the two divisions involved.

Traditionally the headman has two kinds of duty to perform: he must take
622 charge of the organization of any festivals and public ceremonies in his hamlet or
632 village, and he must try to settle disputes. Let us consider each of these duties in turn.

Some of the annual festivals are celebrated separately in each hamlet, others are celebrated by a "village" as an entirety. In the first case a hamlet headman would be in charge, and in the second the "village" headman would be.

632 (615) When a festival has to be organized that only concerns perhaps one of the phratries resident in a "village", the relevant hamlets call together their own multi-hamlet committee to handle the matter without calling upon the "village" headman to organize the celebration. It is only for festivals that concern nearly all of the hamlets that he will take charge of the organization. No festivals are celebrated jointly by a division, or by the whole Nilgiri population, largely because the distances to be traveled are too great and the number of participants would be unmanageably large. Funerals are always treated as public ceremonies, and weddings quite often are. Other life-cycle ceremonies can be treated as public ones, but very (621) rarely are. In any case, when a life-cycle ceremony is treated as a public celebration, it is only celebrated in the hamlet of the people most closely concerned. Personal ceremonies are not celebrated at the "village" or any higher level. (This does not of course preclude inviting visitors from other "villagers" or divisions.)

619 796 796

The headman does not make the arrangements for these various celebra- 623 (622) tions of his own accord. His hamlet generally has a council for settling disputes, and also a festival committee consisting of the priests and a few elderly men. The latter not only organize festivals, but occasionally may plan to build a new temple or propitiate an uncooperative deity. (Arrangements for life-cycle ceremonies, unlike public festivals, are mainly in the hands of the family concerned.) The elders on the hamlet council are generally different individuals than those on the (428) festival committee; this is a convenient division of the labor involved. But in either (562) case the positions are quite often hereditary, and are never held by women. The (888) elders are typically the older males of all lineages represented in a hamlet; it is they who are in the best position to enforce council decisions among all of their

lineage-kin.

The hamlet council, together with the hamlet headman, is at the lowest stage in a hierarchy of traditional councils and headmen. Some examples of how these councils work will be given when we discuss the changes they have been subjected to during the present century. We will now explain the working of the hamlet council, however, in broad outline.

Any villager with a dispute must take the matter to his own hamlet headman first, for the consideration of the hamlet council. If the defendant is from another hamlet, the plaintiff's headman will approach the headman of the other hamlet and they will arrange a joint council. If one party becomes dissatisfied with the manner in which the hamlet council has handled the case, or if the hamlet council has been unable to reach a decision, the case can be passed on to the level of the "village" council. As soon as the "village" headman hears about it, his first task is to enquire whether the case has already been heard by the hamlet council; for, as with the official Indian legal system, no case can come before a higher court before it has passed through the lower-level court. The "village" headman calls together a council consisting of all the hamlet headmen of his "village", as well as various assistants to these headmen and perhaps a few other respected elders. This group constitutes the council at the "village" level. In the same way, the divisional headman can call together a council of all the "village" headmen in his division, or the President of the Nilgiris can call a meeting of all the "village" headmen of all four divisions.

These last two steps are only taken on very rare occasions, especially in the present century, to settle factional disputes which have reached serious proportions without being resolved. The last such meeting was in June, 1957 (Dharma-

The Present "Ambi-legal" System in Badaga Villages

692 It will be recalled that in an earlier chapter which described the traditional social organization of the Badagas we spoke of a politico-juridical system which linked the Badagas closely to the Kotas, and provided for the settlement of disputes by a hierarchy of local councils (pp. 29-43). Today, while this system still remains in operation for "civil" cases, it is very common for Badagas also to make use of the official legal system of India in the settlement of disputes and [829] the punishment of crimes. Since the use of both systems is not seen by the villager as a clear matter of choice, but rather of trying to play one system off against the other so as to maximize his own advantages, we might characterize the present Badaga situation as being an "ambi-legal" one. Let us take as our point of departure for an analysis of this phenomenon the changing role of the Badaga headmen.

175 692 (648) To understand the role of the village headman in local government one needs to know that after the British arrived in the Nilgiris (in 1820) they perpetuated village government through the previously existing hereditary headmen, and bestowed upon these men the title of manegar. The hierarchy of these headmen did not come into the British plan for local government, however: manegars were typically "village", and not hamlet or divisional headmen. From the end of the 632 (622) last century the headman role has been divided up: a manegar was appointed in major villages -- generally the chief hamlet of an indigenous "village" grouping -- by the British District Collector (Grigg 1880: 366); but the Badagas still selected their own hamlet headman (who then received the title of sub-manegar and continued to receive a small salary from the British administration). The manegar appointed was preferably a literate man rather than simply a prestigeful one; though

632 In the earliest days of the British régime it was enough for the manegar to be a man of the gentry respected by the Badagas (Grigg 1880: 336). In addition to him, the British appointed a Badaga as accountant or karnam to keep records. Both of these roles -- held by Badagas appointed by and responsible to an outside authority -- were new to Nilgiri society. So was the idea of electing a council; but a supposedly elected panchayat (the India-wide term for a village council) became the official instrument of local government shortly after the First World War. Its functions today are to provide various facilities, notably the up-keep of roads and paths, water supply, community radio, the maintenance of land records and birth and death registers, and the supplying of information about various aspects of government activity.

The roles of the two key positions in a government panchayat are officially stated to entail the following:

> The head of the village [i.e. manegar] is the representative of Government in the village. He is the village magistrate and head of the village police. He is the collector of the revenue of the village over which he presides, and has also to perform [miscellaneous small] duties...
>
> The karnam, who is entrusted with the keeping of village accounts, is subordinate to the head of the village. He should help and advise the head of the village in every way. He is the clerk of the head of the village in his capacity of village munsif [i.e. manegar] and Magistrate. He has to prepare reports, accounts, statements, etc., which it is necessary to put in writing... (Madras 1958: 1)

Despite the setting-up of village panchayats and the appearance of a state police force in some Nilgiri villages, the organization of celebrations and the settlement of disputes have remained very much in the hands of the traditional headman, his festival committee, and his council. Criminal cases must be reported to the police and are usually handled in a court of law, but civil and petty criminal cases can either be settled by the Badaga council or can go before an official panchayat court. (The distinction between civil and criminal cases is

671 made explicit in the Indian Penal Code, which in this matter closely follows English common law.)

692 This confusing situation in effect exposes the Badagas to three different legal systems: their own indigenous one, still remembered and influential in establishing precedents; the present-day Badaga village council, which settles disputes according to a majority opinion (although the headman's own decision is really the final one), an opinion modified by the knowledge that the case might then be taken, together with the decision, before a court of law; and finally there is the hierarchy of government lawcourts.

692 At the lowest level in this hierarchy of lawcourts is the government-
671 sponsored panchayat court. Its powers are outlined in the following quotations
•632 from official regulations (which are still in force):

(680) Section 10 of Regulation XI of 1816.

First.--In cases of a trivial nature, such as abusive language and inconsiderable assaults or affrays, heads of villages shall have authority, on a verbal examination, either to dismiss the parties, or, if the offence charged shall be proved to have been committed by the persons accused of it and shall appear deserving of punishment, to confine the offending parties in the village choultry [i.e. shelter] for a time not exceeding 12 hours...

Section 6 of Regulation IV of 1821.

First.--The powers granted to heads of villages.... to punish trivial offences, have been extended... to the punishment of petty thefts not attended with aggravating circumstances nor committed by persons of notoriously bad character, and where the value of the property stolen does not exceed one rupee... (Madras 1958: 46)

692 Panchayat courts may, in addition to the powers to try petty civil suits of
671 specified nature, be invested by the State Government with the power to take cognizance of and try specified offences of a trivial nature and abatement of such offences committed within the local limits of their respective jurisdiction. Such offences are affray (section 160, Indian Penal Code), voluntarily causing hurt (sections 323 and 334, Indian Penal Code), assault or using criminal force (sections 352 and 358, Indian Penal Code), theft (section 379, Indian Penal Code) and mischief (section 426, Indian Penal Code), when the value of [the] property stolen or damaged does not exceed Rs. 10 or if the Government so direct Rs. 20, insult (section 504, Indian Penal Code), some

692 nuisances under the Indian Penal Code (sections 277, 283, 290 and 510) and
671 the Madras Towns Nuisances Act, and generally any other offence under the Indian Penal Code or any special or local law which is punishable with fine only or with imprisonment for a term not exceeding six months or with both.

The sentence which a panchayat court may pass is [a] fine not exceeding
(681) Rs. 15, except in cases of theft or mischief where the fine may extend to
(685) twice the value of the property stolen or the amount of damage caused. (Madras 1958: 50)

121 Since such a multiplicity of courts, officials, regulations and legal systems now faces a Badaga, how does he select where to go with a legal complaint? There are a number of factors that guide his handling of the problem.

692 The prime consideration is apparently not the seriousness of the complaint but the good repute of a man's own village. I know of several cases of murder and suicide which were handled entirely by the traditional Badaga council in the village where the acts were committed. This procedure contravenes Indian law, since any such criminal offences should automatically be reported to the police and if necessary be examined in a magistrate's court. (It is supposedly the
(632) headman's duty to decide whether a case should be placed before a magistrate.)

692 Badagas, on the other hand, whether siding with the victim, the malefactor, or
829 neither, prefer that all such matters be cleared up by the headman and his council without the village name being marred through a police investigation and loose gossip. For the same reason they also try to stop the case going on to the next higher level of council in their own traditional system.

691 Despite this state of affairs, it is very common for a case which has al-
692 ready been judged by the village council to be taken to a court of law by whichever side has lost; hence we characterize the present procedure as "ambi-legal". The practice has arisen because it is widely known that the decisions of a traditional village council are not legally binding and are often not very impartial either. On

121 specialists. The Nilgiri tea and coffee growers have become integrated into the
178 South Indian cash economy at the expense of such traditional relationships.
184
618 The trend toward diversification of the economy in the "dry" village which
Epstein studied, and toward its greater integration with the regional economy, was
121 accompanied by changes of a political nature. Some villagers began to take part in
political meetings in the town, and to elect their panchayats rather than accept here-
ditary incumbents. The change was not paralleled in the irrigated village which
Epstein studied, however: there the traditional hereditary panchayats remained in
operation, and there was relatively little concern with state political movements.
The elected panchayat of the "dry" village does not settle disputes now: these are
generally taken to court in Mandya. The traditional panchayat does settle disputes
in the irrigated village, however.

632 Among Badagas, as we have seen, there are now elected panchayats which
act as the organs of local government in providing basic rural facilities. The tradi-
tional panchayats are more influential in the control of behavior and the organization
of festivities, however. Membership of the latter is sometimes hereditary and
sometimes "selected"; often a single council has members designated by both pro-
692 cesses. The magistrate's court is now widely used in settling disputes; but at the
same time the traditional council still has an important part to play in this activity.

121 Factions are not rigidly opposed in the irrigated village that Epstein stu-
died. She regards them as "a mechanism whereby economic status may be trans-
lated into political influence" (1962: 320). As such they have changed little in their
significance since the days before irrigation was available. In the "dry" village,
on the other hand, factions "display the basic cleavage between innovators and con-
servatives" (Epstein 1962: 320). In summary, "Economic change in [the "dry"